(i.e., at a ground block) is the cause of a service problem, I agree that TWC may charge me to resolve such service problem. If available from TWC in my area, I may subscribe to a TWC service protection plan that covers service related calls within my residence. If any other support Services are available from TWC, such Services will be at additional charges as described in TWC's price list.

8. Service Interruptions; Ferce Majoure

(a) I agree that TWC has no liability for delays in or interruption to my Services, except that if for reasons within TWC's reasonable control, for more than twenty-four (24) consecutive hours, (i) service on all cable channels is interrupted, (ii) there is a complete failure of the HSD Service or (iii) there is a complete failure of the Digital Phone Service, TWC will give me a prorated credit for the peri-od of such interruption or fallure if I request one within 30 days of the interruption or failure. Notwithstanding the above, TWC will issue credits for VOD, pay-per-view and pay-per-play events for service problems where a credit request is made within 30 days of the interruption or failure, in no event shall TWC be required to credit me an amount in excess of applicable service fees. TWC will maics any such credit on the next practicable bill for my Services. State and local law or requisition may impose other outage credit requirements with respect to some or all of my Services, in such event, the relevant law or requisition will con-

- (b) I acknowledge that TWC may conduct maintanance from time to time that may result in interruptions of my Services.
- (c) The TWC Parties shall have no liability, except as set forth in Section 8(a), for interruption of the Services due to circumstances beyond its reasonable control, including acts of God, flood, natural disaster, vandalism, terrorism, regulation or governmental acts, fire, civil disturbance, electrical power outage, computar viruses or worms, strike or weather.
- (d) TWC is only obligated to provide the above-referenced credits for loss of HSD Service if TWC is billing me for the HSD Service at the time of the outage. If my ISP or OLP is billing me, I will look solely to my ISP or OLP, as applicable, for a credit with respect to the HSD Service.

9. Review and Enforcement

(a) TWC may suspend or terminate all or a portion of my Services without prior notification if TWC determines in its discretion that I have violated this Agreement, any of the Terms of Use or any Tariff(s), even if the violation was a one-time event. It all or a portion of my Services are suspended, I will not be charged for the relevant Services during the suspension. If my account is terminated, I will be refunded any pre-paid fees minus any amounts due TWC.

(b) If I receive HSD Service, I acknowledge that TWC has the right, but not the obligation, to review content on public areas of the HSD Service, including chat rooms, builetin boards and forums, in order to determine compliance with this Agreement and the Terms of Use.

(c) I suree that TWC shall have the right to take any action that TWC deems appropriate to protect the Services, TWC's facilities or TWC Equipment.

10. Termination of Service

(a) Either TWC or I may terminate all or any portion of my Services at any time for any or no reason, in its sole discretion, in accordance with applicable law.

(b) If I am moving or wish to terminate all or any portion of my Services for any reason, I will notify TWC by phone or by mail as instructed in the Subscriber Materials in order to set up a disconnect appointment and provide TWC with access to my premises to disconnect the relevant Services and recover the TWC Equipment specified on the Work Order on a DATE PRIOR TO the last day of residency. This also applies if I am receiving a period of free or discounted Services. In other words, at the end of the free or discounted period. TWC is entitled to begin billing me for the usual charges associated with the relevant Services unless I take the appropriate steps to terminate the Services as described in this

(c) I cannot terminate my Services by writing "Canceled" (or any other messages) on my bill or check, or by making a disconnect appointment that does not result in TWG's physical recovery of the TWC Equipment, in addition, I agree that any restrictive endorsements (such as "paid in full"), rateases or other statements on or accompanying checks or other payments accepted by TWC shall have no legal effect.

(d) If I subscribe to HSD Service, I acknowledge that notice given by me to TWC of termination of my HSD Service may not be sufficient to terminate billing by my ISP or OLP for additional or continuing Services under the ISP Terms or OLP Terms (for example, "dial up" access). I agree that I am solely responsible for contacting my ISP or OLF in addition to TWC to ensure that all such Services are terminated in accordance with the ISP Terms or OLP Terms, as applicable.

11. Disclaimer of Warranty, Limitation of Liability

(a) I AGREE THAT THE SERVICES ARE PROVIDED BY TWO ON AN "AS IS" AND "AS AVAILABLE" BASIS WITHOUT WARRANTIES OF ANY KIND, ETHER EXPRESS OR IMPLIED, INCLUDING WARRANTIES OF TITLE OR NON-INFRINGEMENT OR IMPLIED WARRANTIES OF MERCHANTABILITY OR FIT-NESS FOR A PARTICULAR PURPOSE, OTHER THAN THOSE WARRANTIES THAT ARE IMPLIED BY, AND INCAPABLE OF EXCLUSION, RESTRICTION OR MODIFICATION UNDER, THE LAWS APPLICABLE TO THIS AGREEMENT, TWO MAKES NO WARRANTY THAT THE SERVICES WILL BE UNINTERRUPTED OR ERROR FREE OR THAT THE TWC EQUIPMENT WILL OPERATE AS INTENDED. IN PARTICULAR, I AGREE THAT MY USE OF THE HSD SERVICE (INCLUDING THE CONTENT, INFORMATION, SERVICES, EQUIPMENT AND SOFTWARE, THE PURCHASE OF MERCHANDISE AND SERVICES, THE TRANSMISSION OF INFORMATION AND OTHER COMMUNICATIONS BY AND TO ME AND THE

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- (f) ANY AND ALL PRODUCTS AND SERVICES PROVIDED BY TWO AND/OR ISP AND/OR OLD AND/OR ANY LONG DISTANCE PROVIDER TO ME THAT ARE NOT PART OF THE SERVICES AS DEFINED HEREIN ARE OUTSIDE THE SCOPE OF THIS AGREEMENT AND THE TWO PARTIES HAVE NO RESPONSIBILITY OR LIABILITY FOR ANY SUCH PRODUCTS OR
- (8) NONE OF THE TWC PARTIES MAKES ANY WARRANTIES AS TO THE SECURITY OF MY COMMUNICATIONS VIA TWC'S FACILITIES OR THE SERVICES OWNETHER SUCH COMMUNICATIONS ARE DIRECTED SERVICES (WHETHER SUCH COMMUNICATIONS ARE DIRECTED WITHIN THE SERVICES, OR OUTSIDE THE SERVICE TO OR THAT THIRD PARTIES WILL NOT GAIN UNAUTHORIZED ACCESS TO OR MONITOR MY COMPUTERS(S) OR OMILIE (INCLIDING VOICE) COMMUNICATIONS, I AGREE THAT NOME OF THE TWO PARTIES WILL BE LIASLE FOR ANY SUCH UNAUTHORIZED ACCESS, I HAVE THE SOLE RESPONSIBILITY TO SECURE MY COM-PUTER AND ONLINE UNCLUDING VOICE) COMMUNICATIONS.

(b) I ACKNOWLEDGE THAT TWC'S OR MY INSTALLATION, USE, INSPECTION, MAINTENANCE, REPAIR, REPLACEMENT OR REMOVAL OF THE SERVICES, TWC EQUIPMENT AND SOFTWARE MAY RESULT IN DANAGE TO MY COMPUTER(S), TELEPHONES AND TELEPHONE ANSWERING DEVICES, ALDIO EQUIPMENT, OR MY CABLE MODEM, CABLING OR OTHER EQUIPMENT OR KARDWARE, WILLID-CABLE MODEAL CABLING OR OTHER EQUIPMENT OR HAXDWARE, WICLIDING SOFTWARE AND DATA FILES STORED THEREON, I SHALL BE SOLELY
RESPONSIBLE FOR BACKING UP ALL EXISTING COMPUTER OR OTHER
SOFTWARE OR DATA FILES PRIOR TO THE PERFORMANCE OF ANY OF THE
PUREGOING ACTIVITIES. NONE OF THE TWO PARTIES, OR THEIR VENDORS,
LICENSEES OR PROGRAMMERS, SHALL HAVE ANY LIABILITY, AND EACH
EXPRESSLY DISCLABAS ANY RESPONSIBILITY WHATSOEVER, FOR ANY
DAMAGE TO OR LOSS OR DESTRUCTION OF ANY EQUIPMENT, SOFTWARE,
HARDWARE TO ANY OR BLES HARDWARE DATA OR FILES.

(c) EXCEPT FOR THE REPUND OR CREDIT AS EXPRESSLY PROVIDED IN SEC-TIONS 8(a) AND 8(a) RESPECTIVELY, IN NO EVENT (INCLUDING NEGLI-GENCE) WILL ANY TWO PARTY OR ANY PERSON OR ENTITY INVOLVED IN CREATING, PRODUCING OR DISTRIBUTING THE SERVICES (INCLUDING THE CONTENT INCLLIDED THEREBY) OR THE SERVICES ACCESSED THEREBY) OR EQUIPMENT BE LIABLE FOR ANY DIRECT, INDIRECT, INCIDENTAL, SPECIAL OR CONSEQUENTIAL DAMASES ARISING OUT OF THE USE OF OR INABILITY TO USE THE SERVICES, INCLUDING THE USE OF OR INABILITY TO USE EMERGENCY 911 SERVICES, OR FOR ANY ACTION TAXEN BY TWO TO PRO-TECT THE SERVICES OR THE BREACH BY TWO OF ANY WARRANTY.

(d) I abree that the provisions of this section 11 shall apply to all content or services included in, or accessible through, the services, and are for the benefit of, and may be enforced by, all OF THE TWO PARTIES.

12. Privacy

(a) My privacy interests, including my ability to limit disclosure of certain information to third parties, are addressed by, among other taws, the Federal Communications Act of 1834, as amended, and the Electronic Communications Privacy Act, Personally identifiable information that may be collected, used or disclosed in accordance with applicable laws is described in the Subscriber Privacy Notice delivered to me by TWC on its own behalf and on behalf of its Affiliated ISPs. I acknowledge receipt of the Subscriber Privacy Notice, which is deemed to form a part of this Agreement, and expressly consent to the collection, use and disciosure of personally identifiable and other information as described in the Subscriber Privacy Notice, as it may be amended from time to

(b) I agree that, in addition to actions and disclosures specifically authorized by izw or statute or authorized elsewhere in this Agreement, TWC and its Afflicted is the second of control of the second of th that individual or public satisfy is in peril. I consent to such actions or disclo-

(c) If I am a Digital Phone customer, I consent to TWC's disclosure of my name. (c) it am a buging rhote consent, to mean to the secondaries of my hains, address and/or telephone number to the general public in connection with Caller II functions, bisphone directories, and 411 and 911 Services, it also consent to TWC's disclosure of personally identifiable information to the telephone companies serving those and users to whom I make calls so that the calls can be completed. If I wish to have TWC remove this information from one or more of these Services, I understand that I may notify TWC to do so, subject to any applicable

13. Consent to Phone and Email Contact

(a) I consent to TWC calling the phone numbers I supply to it for any purpose. (a) I consent to 1 VMC claims the prinche namenes I supply to a for any purpose, including the marketing of the current and future Sorrices. I agree that these phone calls may be made using any method, including an automatic disting system or an artificial or recorded voice. Upon my request, the phone numbers I have previously provided with the removed from TMVs phone marketing list. I can make this request by calling or writing my local TMC office and asking to be placed on TWC's Do Not Call List.

- (b) I acknowledge that being included in any state or federal "do not call" registry will not be sufficient to remove me from TWC's phone marketing list.
- (c) I consent to TWC emailing me, at any email address, including that of a wire-

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14. Arbitration

EXCEPT FOR CLAIMS FOR INJUNCTIVE RELIEF, AS DESCRIBED BELOW, ANY PAST, PRESENT, OR FUTURE CONTROVERSY OR CLAUM ARISING OUT OF OR RELATED TO THIS AGREEMENT SHALL BE RESOLVED BY BINDING ARBITRA-TION ADMINISTERED BY THE AMERICAN ARBITRATION ASSOCIATION UNDER ITS COMMERCIAL ARBITRATION RULES, INCLUDING, IF APPLICA-BLE, THE SUPPLEMENTARY PROCEDURES FOR THE RESOLUTION OF CON-SUMER RELATED DISPUTES. CONSOLIDATED OR CLASS ACTION ARBITRA-TIONS SHALL NOT BE PERMITTED. THE ARBITRATOR OF ANY DISPUTE OR CLAIM BROUGHT UNDER OR IN CONNECTION WITH THIS AGREEMENT SHALL NOT HAVE THE POWER TO AWARD INJUNCTIVE RELIEP; INJUNCTIVE RELIEF MAY BE SOUGHT SOLELY IN AN APPROPRIATE COURT OF LAW, NO CLAIM SUBJECT TO ARBITRATION UNDER THIS AGREEMENT MAY BE COM-BINED WITH A CLAIM SUBJECT TO RESOLUTION BEFORE A COURT OF LAW. THE ARBITRABILITY OF DISPUTES SHALL BE DETERMINED BY THE ARBI-TRATOR, JUDGMENT UPON AN AWARD MAY BE ENTERED IN ANY COURT HAVING COMPETENT JURISDICTION, IF ANY PORTION OF THIS SECTION IS HELD TO BE UNEXPORCEABLE, THE REMAINDER SHALL CONTINUE TO BE ENFORCEABLE, THE REMAINDER SHALL CONTINUE TO BE ENFORCEABLE, EXCEPT THAT IF THE ABOVE PROVISION PROHIBITING CONSOLIDATED AND CLASS ACTION ARBITRATIONS IS FOUND TO BE UNENFORCEABLE. THEN THE ENTIRETY OF THIS ARBITRATION CLAUSE SHALL BE HULL AND VOID.

15. Definitions

- (a) "Affiliated ISP" means Road Runner and any other ISP in which any TWC Party holds an ownership interest.
- (b) 'Agreement' means this Services Subscription Agreement, as it may be amended from time to time by TWC.
- (c) "Computer" means the personal computer(s) located at my residence that will be used to access the HSD Service, as specified on the accompanying Work Order.
- (d) "Digital Phone Service" means the TWC phone service that provides users with the ability to send and receive local and/or long distance calls and to access additional related features and functions through TWC's cable systems.
- (e) "DVR" means a set-top box or other device enabled with a digital video recorder that is provided to me by TWC.

- (f) "HSD Service" and "High Speed Data Service" mean the online content, fea-tures, functions and Services (which may include internet access) of the ISP or OLP selected by me, as provided over TWC's cable systems.
- (c) Including or Include shall mean inclusion, without limitation.
- (h) "ISP" means the internet service provider selected by me from among those offered now or in the future by TWC for the HSD Service. My ISP is the entity that provides my internet connectivity.
- (i) "Ma," "Ma," and "T mean the account holder kiemined on the Work Order who is authorized by TWC to access and use the Services.
- (i) "OLP" or "On-line Provider" means a provider of on-line content, features, functions and Services that are used in conjunction with my ISP Service (and whose service may be purchased with an ISP Service as part of a combined offering) but that does not itself provide internet connectivity.
- (10 "Services" means any and all Services provided to one by TWC, which may include Video Service, High Speed Data Service, Digital Phone Service and equipment based Services such as digital video recorder Services.
- (i) "Software" means the computer software, if any, licensed by ISP or OLP to me to access the HSD Service, or licensed by TWC to me to facilitate installation or use of my ISP's or OLP's service or any other Services. Software also refers to any executable code that may be included in, downloaded to, or utilized by, any TWC Equipment.
- (m) "Subscriber Materials" means the handbooks, manuals and other guide materials provided by TWC or any third party (including my ISP or OLP) regard-
- (n) "Subscriber Privacy Notice" means the Subscriber Privacy Notice described in Section 12(a), as it may be amended from time to time by TWC.
- (o) "Tariff(s)" means the materials describing the terms upon which TWC offers Digital Phone Service, which have been filed at the Public Service Commission or comparable state agency serving the jurisdiction in which I live.
- (p) Terms of Use' shall mean all rules, terms and conditions set forth in this Agreement or otherwise established now or horaster by TWC regarding permissible or impermissible uses of or activities related to, the HSD Service.
- (a) TWC means the local Time Warner Cable-effiliated cable operator that is providing the Services over its cable system, or any cable operator to whom TWC assigns this Agreement.
- (r) TWC Equipment means any equipment provided by TWC to me including. but not limited to, wire, cable, cable conduit, spitters, function boxes, converter boxes (also known as "set top" boxes), decoders, CableCARD"s, terminals, cable moderns, voice-enabled cable moderns, remote control units, and any other equipment or materials provided to me by TVIC for use in connection with

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the receipt of Services. THIC Equipment does not include any Network Intertace Card (HIC) installed in any Comparies.

(f) "Video Servics" means video end/or euxilo programming Services such as basis, estandard, digital and pramium Services, Services provided on a per-charmal or per-program basis, pay-per-pidy, pay-pur-vitw or VOD. (s) TWC Parties' means TWC and its corporate parents, affiliates and subsidiaries and their respective directors, officers, employees and agents.

(u) YOU' means video on demand.

Yield Onder Insura the Time Warmer Cable work order provided to me on or after January 1, 2008 in correction with the installation or commencement of my Service(s).

16. Indemnification

I agree to defend, indemnify and hold fearnless the TMC Parties from and against any and all claims and expenses, including reasonable attemps²⁷ fees, arising out of or related in any way to my use of the Services or otherwise size to go the of the use of or account or any expinent or facilities in connection therwish, or my use of any other TMC products or Services or any ISP's or QL*1 products or Services.

17. Term

This Agraement will remain in effect until terminated by either purity or super-sected by a revised Subscription Agreement.

I & Literpretation; Severability

This Agreement is, and shall be interpreted as, subject to applicable law and rep-utation and to any applicable franchise agreement between a governmental authority and TWL. In the event that are portion of the Agreement is held to be present of the protection of the Agreement is held to be in accordance with applicable, the headed of underscapile portion shall be constitued in accordance with applicable law as many as possible to reflect the original infamilions of the parties as set forth bevein, and the remainder of this Agreement shall gentuch in this force and affect.

19. Consent to Bectrocic Nettce

I agree that unless otherwise specified, all notices required or contemplated harenoder will be provided by TMC by such means as TMC shall determine the 18 decreation. Without Enthigh the Intropelogy, I agree that TMC may browke any empires required or contemplated hereuncer or by applicable law, including notice of changes to this Agmentarity, the Terms of Use, the Termit of Use, the Termit of Use, the Termit of Use, the Termit of the Agmentarity is a former of Use, the Termit of the Agmentation for the Agmentation for the Agmentation of Use, the Subscriber Phinary Notice and any applicable Termit of Use, the Subscriber Phinary Notice and any applicable Termity is as ochanged from time to time, will be

accessible at http://heip.hwahie.com/htm/policides.html or another online loca-tion designated by TWC, or can be obtained by caleng my local TWC office.

20. Walrer

I agree that failure by TMC to enforce any of its rights hereunder shall not constitute a waiver of any such rights. No waiver by either party of any breach or default shall be deserted to be a waiver of any proceding or subsequent breach

21. Assignment

I undestand that my Senvices are being provided only to the location identified on my Work Greer and that I am not allowed to transfer at or any portion of the Senvices, or TWC's Equipment in any other to the transfer to boathon, locating a new resis, or TWC Equipment in any other selection. If are that I may not assign or transfer this Adventural. TWC may transfer to assign any portion or all of this Agreement at any time without notice to ma, and I wake any such notice which may be required.

22. Effect of Applicable Lass Reservation of Rights

This Agreement the Work Order and the Terms of Use are subject to all applicable foots that the Work Order and the Terms of Use are subject to all applicable foots from the Modern's arts of the Agreement, the Work Order or the Terms of Use contravers or are in confide with any such law or regulation, or if it am entitled to more because the Severated, with any such law or regulation for all are all foots from an expected in the Severated to the Work Order or the Terms of Use, then the brans of such law or regulation, and the More Order or the Firms of Use, then the brans of such law or regulation, and the More Order or the Terms of Use, if the Work Order or the Terms of Use, if the Work Order or the Terms of Use, if the Work Order or the Terms of Use, if the Work Order or the Terms of Use, if the Work Order or the Terms of Use, if the Work Order or the Terms of Use orly for purposes of those Service(s) be which the they or regulation applies. Econet is explicitly that the Ist or regulation applies. Econet is explicitly as a walver by the or PMC of all refinite Individual to the American End or Computing to the installation, in operation, maintainness or removal of the Services, facilities or equipment.

23. Parental Control Dorlos

I schnowledge that I have been solvised of the svalability of TWC's parental con-trol device which can filter or block certal proporturing, Additorial Information about the device is available at the TWC contact number in the Subscriber Maturials.

24. Conflicting Torms

In the event of a conflict in the terms and conditions between this Residential Services Subscriber Agreement and the accompanying Work Order, then the terms and conditions of this Agreement shall control.

www.timewamercable.com 0

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Exhibit 7



E-Transcript of the Testimony of **PMQ David Su**

Date: October 14, 2009

Volume: I

Case: Swinegar v. Time Warner Cable

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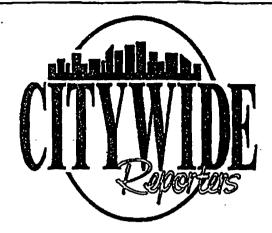
1	A Orally, talking to the	1	Let's try let's say the rep says, "Ah, you know,
2	Q CSR?	2	forget about this subscriber agreement and the terms and
3	A CSR.	3	conditions in this agreement that we sent you. You
4	Q So CSR conversations, where they tell the CSR	4	don't have to honor this agreement." Is that binding on
5	what type of service they want.	5	Time Warner?
6	А Сопесь.	6	MR. ESCHER: I'm going to object. You're asking him
7	Q Okay. Any other types of oral communications	7	to answer a legal hypothetical. He is not the PMK on
8	or agreements Strike that.	8	those sorts of legal questions. It might be better
9	Any other type of oral agreements between TWC	9	Well, that's my objection.
10	and customers during the class period that you can think	10	Q BY MR. CAIAFA: You can answer.
11	of? Categories.	11	A I have never heard of that case before.
12	A No. It would just be talking to any of our	12	Q Okay. The responses that you verified to
13	front-line agents.	13	special interrogatories in this case
14	Q Okay. Would that include installation	14	Do you remember?
15	technicians?	15	A Yes.
16	A Yes.	16	Q Did you draft those responses yourself?
17	Q Okay. Is it your understanding, as the PMK,	17	A I reviewed them, okay, with the counsel. But,
18	that the subscriber agreement and the work order control	18	in terms of writing it
119	the relationship between Time Warner and the customer?	19	Q Yes.
20	A Yes.	20	A no. Not word for word, no.
21	Q Okay. Is TWC in your opinion Strike that.	21	Q Did you write any of it yourself?
22	If a CSR tells a customer something that is	22	A I provided remarks and feedbacks on the
23	inconsistent with the subscriber agreement or work	23	responses.
24	order, is Time Warner responsible for that	24	•
25	representation?	25	Q Did you write the initial draft of the response yourself?
"	57		59
 		_	
1	MR. ESCHER: Objection; vague, calls for legal	1	A No.
2	conclusion.	2	Q But you approved and verified the response.
3	THE DEPONENT: Yeah, that's Yeah.	3	Correct?
4	Q BY MR. CAIAFA; Okay. You don't understand	4	A Correct.
5 6	what I'm saying?	5	Q Let's go back to the document request.
] ,	A No. 1 don't.	6	We were talking about number 8, documents
ì	Q Okay. If a CSR tells a customer that the cost	7	relating to affirmative requests. You talked about
8	of a particular cable package is less than it really is,	8	screen shots, work orders, billing statements. Right?
1,9	does TWC have to honor that price?	9	A Correct,
10	MR. ESCHER: Same objections.	10	Q Okay. Anything else you can think of
11	THE DEPONENT: We train our reps to quote off of the	11	responsive to that?
12	billing system	12	A No.
13	Q BY MR. CAIAFA: Right.	13	Q All right. 9, is your answer the same?
14	A as well as what the current promotion is.	14	A Yes.
15	Q Okay.	15	Q Documents, writings concerning pricing
16	A There are disputes that the customer said they	16	policies, guidelines regarding the rental of convener
17	were quoted one rate, which would be escalated to our	17	boxes. First of all Strike that.
18	Office of the President. And they would actually look	18	Before we go to 10, the documents that you
19	into that.	19	referenced in response to Request Nos. 8 and 9
20	So the answer is, yeah, it varies by situation.	20	Strike that. Back to 10.
21	Q What does?	21	Policies and guidelines regarding the rental of
22	A The situation that you just gave, that if a rep	22	converter boxes. You have provided documents responsive
23	or CSR quotes an incorrect rate to the customer, whether	23	to that?
24	we honor that.	24	A Yes.
25	Q Okay. Let's try something other than a rate.	25	Q And what documents are those?
L	58		60

Exhibit 8

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EXHIBIT 3 C1 6.3.01

Exhibit 9



E-Transcript of the Testimony of Mike Pemberton

Date: February 17, 2010 **Volume:** I

Case: Swinegar v. Time Warner Cable, Inc.

Citywide Reporters Phone:800/524-8525 Fax:661/255-2782 Email:citywidereporters@sbcglobal.net Internet: www.citywide-reporters.com

1 COTTECT? — on the left-hand column, 2 A COTTECT. 3 Q And then QTY, quantity? 4 A COTTECT. 5 Q Disc is what? 6 A I'm not sure on that. Description? 7 Q Well, there's description next to it. But 8 before that it's disc. Maybe it means discount. 9 A Recumb discount code. 10 Q You're not sure? 11 A I don't know though. 12 Q In any event, under the column for work, 13 that's where you're referring to the zeros and ones? 14 A Correct. 15 Q I take that back. Under the column for quantity — 16 quantity — 17 A There isn't anything under the — except for 18 W Munder quantity. 19 Q (Nay. Look at it again. I know that's how it 20 appears. But work to be performed seems like the heading 22 Q So work to be performed seems like the heading 23 for that top category all the way down to HSO INST 25 A Correct. 19 Q Then you see code and then QTY. The code for crample would be AI, A3, A4; right? 2 Q Then you see code and then QTY. The code for crample would be AI, A3, A4; right? 3 A Correct. 4 Q Then I assume that QTY maybe should be over to the of left a listle bit there under quantity zero, and der work to be performed, what does that mean? 1 A That we're removing that. 11 Q Okay. Does it necessarily mean that the customer had that — 12 customer had that — 13 A That means — 14 Q — before you got there? 15 A Correct. 16 Q And under quantity one, does that mean that 17 Time Warner is adding that service? 16 Q And a bad the broadcast, which is the local programming for in the local programming on until at the flore. 15 you get that plan. 16 Q Okay. Look at it again. I know that's how it appears. But work to be performed seems like the heading 22 performed seems like the headin	<u>.</u>
3 standard, digital receiver, a remote, and a digital receiver, a remote, and a digital programming feer, correct? 5 Q Disc is what? 6 A I'm not sure on that. Description? 7 Q Well, there's description next to it. But before that it's disc. Maybe it means discount. 9 A It count be discount code. 10 Q You're not sure? 11 A J don't know though. 12 Q In any event, under the column for work, that's where you're referring to the zeros and ones? 14 A Correct. 15 Q I take that back. Under the column for quantity. 16 Q Okay. So what did the have before the teel got there? 17 A There isn't anything under the — except for law the timeous hands in the finesp. And then digital basic was another set of about 30 channels that get, plus it also includes the cost of the first box; if you get that plan. 17 A There isn't anything under the — except for law that to post the performed seems like the heading appears. But work to be performed seems like the heading after that top category all the way down to HSO INST before the word current; correct? 10 Q Then you see code and then QTY. The code for crample would be Al, A3, A4; right? 11 Q Then you see code and then QTY. The code for crample would be Al, A3, A4; right? 12 Q Then you see code and then QTY. The code for crample would be Al, A3, A4; right? 12 Q Then you see code and then QTY. The code for crample would be Al, A3, A4; right? 12 Q Then you see code and then QTY. The code for crample would be Al, A3, A4; right? 13 A Correct. 14 Q Then you see code and then QTY. The code for crample would be Al, A3, A4; right? 25 A Correct. 26 Q Okay. So when you say that the quantity is parent, and the term of the control of the digital programming feer. 15 A Correct. 16 Q Okay. So when you say that the quantity is parent, and that — 16 Q Okay. So when you say that the quantity is parent, and the control of the digital programming feer is a S2 channel. 17 Time Wanter is adding that service? 18 A Correct. 19 Q And it that also true under the extegory of current?	
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7 Q Olay. So what did she have before the tech 8 got there? 9 A She had the broadcast, which is the local 10 Q You're not sure? 11 A I don't know though. 12 Q In any event, under the column for work, 13 that's where you're referring to the zeros and ones? 14 A Correct. 15 Q I take that back. Under the column for 16 quanity — 17 A There isn't anything under the — except for 18 VM under quanity. 19 Q Okay. Look at it again. I know that's how it 19 appears. But work to be performed seems like the heading 20 G So work to be performed seems like the heading 21 for that top category all the way down to HSO INST 22 before the word current; correct? 23 A Correct. 24 Q Then you see code and then QTY. The code for 25 cample would be A1, A3, A4; right? 26 A Correct. 27 A Correct. 28 Q Okay. So when you say that the quantity zero and 29 one; correct? 30 A That we're removing that. 31 A That means — 32 Q And what's a digital programming fee is a \$2 char 33 A That we're removing that. 34 Q Okay. Does it necessarily mean that the 35 customer had that — 36 Q Okay. So when you say that the quantity is 36 zero, under work to be performed, what does that mean? 37 A That means — 38 Q Okay. So when you say that the quantity is 39 zero, under work to be performed, what does that mean? 40 Q Okay. Does it necessarily mean that the 41 Q Okay. Does it necessarily mean that the 42 Q Okay. So when you say that the quantity is 43 A Correct. 44 Q Then a susume that QTY maybe should be over to 45 the of left a little bit there under quantity zero and 46 one; convect? 47 A Correct. 48 Q Okay. So when you say that the quantity is 49 zero, under work to be performed, what does that mean? 40 A That we're removing that. 41 Q Okay. Does it necessarily mean that the 42 customer had that — 43 A That is means — 44 Q — before you got there? 45 A Correct. 46 Q And under quantity one, does that mean that 47 Time Waner is adding that service? 48 A Correct. 49 Q And under quantity one, does that mean that 40 Q Okay. Boto side the eventual proparamining fe	-
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9 A She had the broadcast, which is the local programming. Then the standard cable, which is the local programming. Then the standard cable, which is the local programming. Then the standard cable, which is the lineary. And then digital basic was another, comeant was sucher set of about 30 channels that get, plus it also includes the cost of the first box, it spain. I know that's how it appears. But work to be performed is the— 21 A Oth, I see what you're saying. 22 Q So work to be performed seems like the heading of that top category all the way down to HSO INST before the word current; correct? 25 A Correct. 97 1 Q Then you see code and then QTY. The code for example would be A1, A3, A4; right? 3 A Correct. Q Then I assume that QTY maybe should be over to the of left a little bit there under quantity zero and one; convect? A Correct. Q Okay. So when you say that the quantity is zoo, under work to be performed, what does that mean? A That means— Q Okay. So when you say that the quantity is zoo, under work to be performed, what does that mean? A That means— Q — before you got there? A Correct. Q And under quantity one, does that mean that Time Waner is adding that service? A Correct. Q And under quantity one, does that mean that Time Waner is adding that service? A Correct. Q And it includes a digital basic costs 8.54 a month? Q Doyou know why that's applied to each additional cable box. A Correct. Q Doyou know why that's applied? A The digital programming fee is a \$2 chart that the cost of the first box? A Correct. Q And under guantity one, does that mean that Time Waner is adding that service? A Correct. Q And under quantity one, does that mean that Time Waner is adding that service? A Correct. Q And it includes a digital programming fee is. Q Doyou know why that's applied to each additional cable box. A Correct. Q I leave the word current correct? A Correct. Q And under guantity one, does that mean that the digital programming fee is. Q I leave the digital programming fee is. Q I leave the digital pr	u
10 Q You're not sure? 11 A I don't know though. 12 Q In any event, under the column for work, 13 than's where you're referring to the zeros and ones? 14 A Correct. 15 Q I take that back. Under the column for 16 quantity. 17 A There isn't anything under the — except for 18 VM under quantity. 19 Q Okay. Look at it again, I know that's how it 19 Q Okay. Look at it again, I know that's how it 20 appears. But work to be performed is the — 21 A Ok, I see what you're saying. 22 Q So work to be performed seems like the heading for that top category all the way down to HSO INST before the word current; correct? 10 Then you see code and then QTY. The code for cample would be Al, A3, A4; right? 11 Q Then you see code and then QTY. The code for one; correct? 12 A Correct. 13 Q Okay. So when you say that the quantity is zero, under work to be performed, what does that mean? 14 Q Okay. So when you say that the quantity is zero, under work to be performed, what does that mean? 15 A That means — 16 Q Okay. So when you say that the quantity is zero, under work to be performed, what does that mean? 16 A Correct. 17 A The digital programming fee is. 18 Q Okay. So when you say that the quantity is zero, under work to be performed, what does that mean? 19 Q Okay. Does it necessarily mean that the customer had that — 10 A That means — 11 Q okay. Does it necessarily mean that the customer had that — 12 customer had that — 13 Correct. 14 Q I hon why that is the policy and the digital programming fee is. 15 Q I have be defined a failed by the event really been that it needs to be parformed seems like the bearing of the first box, if you get that plan. 19 Q Okay. Boat it also the extreme is a failed the correct of the first box, if you get that plan. 19 Q Then in satisfact the cost of the first box, if you get that plan. 19 Q Nati includes the cost of the first box, if you get that plan. 19 Q Nati includes the cost of the first box, if you get that plan. 19 Q Nati includes the cost of the first box, if you get that plan. 19 Q Nati inclu	
11 A Idon't know though. 12 Q In any event, under the column for work, 13 that's where you'te referring to the zeros and ones? 14 A Correct. 15 Q I take that back. Under the column for 16 quantity. 17 A There isn't anything under the —except for 18 VM under quantity. 19 Q Okay, Look at it again, I know that's bow it 19 appears. But work to be performed is the— 21 A Ot, I see what you're saying. 22 Q So work to be performed seems like the heading 23 for that top category all the way down to HSO INST 24 before the word current; correct? 25 A Correct. 26 Q Then you see code and then QTY. The code for 27 cample would be AI, A3, A4; right? 28 Q Then I assume that QTY maybe should be over to 29 the of left a little bit there ender quantity zero and 20 one; correct? 21 A Correct. 22 Q Then I assume that QTY maybe should be over to 25 the of left a little bit there ender quantity zero and 26 one; correct? 27 A Correct. 28 Q Okay. So when you say that the quantity is 29 zero, under work to be performed, what does that mean? 30 A That means— 41 Q Okay. Does it necessarily mean that the 52 control at the control of the first box, if 53 the digital programming the unit also the ender of the first box, if 54 the digital basic cost of the first box, if 55 you get that plan. 56 Q Okay. So digital basic cost of the first box, if 59 Q okay. Look at it again, I know that's bow it 60 Q Nand it includes the cost of the first box, if 60 Q Right. But the oos below it says digital receiver and remote. 61 Q Then you see code and then QTY. The code for 62 carrent? 62 Q Then I assume that QTY maybe should be over to 63 the of left a little bit there ender quantity zero and 64 one; correct? 75 A Correct. 86 Q Okay. So when you say that the quantity is 9 zero, under work to be performed, what does that mean? 16 Q Okay. Does it necessarily mean that the 17 Time Wanter is adding that service? 18 A Correct. 19 Q And is that also true under the category of 19 Q As it would. So has a customer ever as additional box, which is what makes it more	
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13 A That means — 14 Q — before you got there? 15 A Correct. 16 Q And under quantity one, does that mean that 17 Time Warner is adding that service? 18 A Correct. 19 Q And is that also true under the category of 20 current? 21 A Correct as they were before 22 additional converter box?	
14 Q I know. But why? 15 A Correct. 16 Q And under quantity one, does that mean that 16 Time Warner is adding that service? 17 Time Warner is adding that service? 18 A Correct. 19 Q And is that also true under the category of 20 current? 14 Q I know. But why? 15 A That is its price. I've never really been 16 told that the digital programming fee does anythen additional box, which is what makes it more expected additional box, which is what makes it more expected additional box, which is what makes it more expected additional box, which is what makes it more expected additional box, which is what makes it more expected additional box, which is what makes it more expected additional box, which is what makes it more expected additional box, which is what makes it more expected additional box. Why is there a digital programming fee or you, "Why is there a digital programming fee or additional converter box?"	
15 A Correct. 16 Q And under quantity one, does that mean that 16 Time Warner is adding that service? 17 Time Warner is adding that service? 18 A Correct. 19 Q And is that also true under the extegory of 20 current? 19 Q And is that also true under the extegory of 21 A Correct is the services as they were before 15 A That is its price. I've never really been 16 told that the digital programming fee does anyth 17 except the fact that it needs to be applied to each 18 additional box, which is what makes it more except the fact that it needs to be applied to each 19 Q As it would. So has a customer ever ask 20 you, "Why is there a digital programming fee of 21 additional converter box?"	·
16 Q And under quantity one, does that mean that 17 Time Warner is adding that service? 18 A Correct. 19 Q And is that also true under the extegory of 20 current? 20 Current is the services as they were before 21 A Correct is the services as they were before 22 additional box, which is what makes it more expected by Q. As it would. So has a customer ever assigned by You, "Why is there a digital programming fee or 21 additional converter box?"	
17 Time Warner is adding that service? 18 A Correct. 19 Q And is that also true under the category of 20 current? 10 A Correct is the services as they were before 11 except the fact that it needs to be applied to except the fact that it needs to be applied	
18 A Correct. 19 Q And is that also true under the extegory of 20 current? 18 additional box, which is what makes it more extended to the extended of the exte	
19 Q And is that also true under the category of 20 current? 21 A Current is the services as they were before 22 additional converter box?	
20 you, "Why is there a digital programming fee of 21 A Current is the services as they were before 21 additional converter box?"	
21 A Current is the services as they were before 21 additional converter box?*	
	o my
22 the turn's order true placed 22 A And E will call	. *
	•
23 Q Okay, okay. 23 Q Has a customer ever asked you?	• • • •
A So the tech came to the home, that's how the	
25 services are currently at. 25 Q And what would you respond?	
<u> </u>	10

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1	Q Correct?	1	Q The screen shot has the same date on it
2	A Correct	2	somewhere. Last page that says activation date,
3	Q · And the digital receiver and remote that's	3	discount start date, billing date, connect date. Does
4	being added, she's being charged for every month now;	4	it indicate when you spoke to her anywhere on here?
5	correct? After the tech leaves; correct?	5	A I do not see it on here.
6	A Correct.	6	Q Well, whenever it is you spoke to her and
7	O Whereas before it was included within the	7	input this information, do you recall a discussion about
8	price of D-Basic; correct?	8	changing her cable service from P2 Bronze to Surf 'N
9	A Correct.	9	View?
10	Q Your review of the work order, does it	10	A On this particular call, I don't remember any
11	indicate whether any of the equipment is being changed?	11	aspects of it at all.
12	A No.	12	Q Okay.
13	Q Does it indicate whether the equipment is	13	A I can you tell you what — I have addressed
14	being changed?	14	several situations like this though. And I can tell you
15		15	-
16	A Well, except for the sense that there's a	16	how I proceed that way,
	modem being added. When you see Road Runner is being		Q Okay. So based on your training at Time
17	added, one would take from that a modern would go on the	17	Warner and your custom and practice, you can tell me
18	account.	18	what you would have said essentially to Ms. Dezes;
19	Q Are the converter boxes that Ms. Dezes had	19	correct?
20	before the tech went to her house on September 29, 07	20	A Correct.
21	being changed on that day?	21	Q And any customers like Ms. Dezes who were in
22	A There should be no reason to change the actual	22	that similar situation; correct?
23	boxes.	23	A Correct.
24	Q Were they changed on that day?	24	Q She calls in. You punch her up on your
25	A Idea's know.	25	screen; right?
	105		107
1	Q You can't tell from the work order?	1	A Uh-huh, yes.
2	A No, I can't. Because there would be no reason	2	Q And she says, "I want - I want to add
3	for him to have had to address either of the boxes since	3	Internet"; right?
4	it was only changing there in the system in the way as	4	A Correct.
5	far as the billing goes. But the — if there was a	5	Q And you see that she has cable TV on your
6	problem with the box and she has to have it swapped, it	6	screen; right?
7	wouldn't have - it would have probably have been hand	7	A Correct.
8	written on the work order but not - because this wasn't	8	Q You see she has P2 Bronze; correct?
9	set up as a trouble call.	9	A Correct.
10	Q Okay. The reason there's a truck roll is	10	Q So based on your training and experience and
11	because they have to install Internet; correct?	11	practice at Time Warner, what would you have said to be
12	A Correct.	12	next after she told you she wanted to add internet to
13	Q Not because of any changes to her cable TV	13	her cable?
14	service; correct?	14	A The - I would have said that the rate of the
15	A Correct.	15	Internet - I basically would have given her the
16	Q Are the remote controls being changed at the	16	a-la-carte price for the Internet service of the speed
17	time of this work order?	17	she was looking for; and then explained that she's with
18	A They shouldn't be.	18	currently a Comcast plan that was had; and that she is
19	Q Now, at the time of this call -	19	more than welcome to leep that; but I'd actually be able
20	Do you know when the call is?	20	to save her money switching her over to a Time Warner
21	A Are you asking do I know when the date was? I	21	Cable plan which wouldn't change her services in any
22	don't know it offhand. You said it's -	22	way, except just the way that they are addressed in
23	Q Well, the work order is dated September 29,	23	billing
24	'07; correct?	24	Q What else would you have told her?
25	A Correct.	25	A I would have explained that the changes that
	106		3 00

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CERTIFICATE OF SERVICE

I, Douglas Caiafa, hereby certify that, on this 9th day of November, 2010, copies of the foregoing "Opposition To Petition for Declaratory Ruling; Declaration of Douglas Caiafa In Support Thereof" were sent as indicated below, to the following:

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